



OFFICE OF THE ATTORNEY GENERAL OF TEXAS

AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable Marvin Hall
Fire Insurance Commissioner
Board of Insurance Commissioners
Austin, Texas

Dear Sir:

Opinion No. O-2777
Re: Duty of Fire Insurance Commissioner to enforce provisions of Fire Escape Law as against churches and Sunday School buildings.

This will acknowledge receipt of your letter of September 24, 1940, in which you seek our opinion as to whether or not the Fire Insurance Commissioner, as ex officio State Fire Marshal, is charged with the duty of enforcing the Texas Fire Escape Law as against churches and Sunday School buildings.

Your request reads:

"The Fire Insurance Commissioner, as ex officio State Fire Marshal, is charged in part with the enforcement of the Texas Fire Escape Law, Article 3955, et seq., R. C. S. 1925.

"The question has arisen whether churches and Sunday School Educational Buildings are subject to the provisions of these articles.

"Your opinion is requested as to whether these articles are applicable to such buildings."

Title 63 of the Revised Civil Statutes of Texas, composed of Articles 3955-3972, both inclusive, is known as the Fire Escape Law. All such articles are taken from House Bill 410, Acts, 1923, Thirty-Eighth Legislature, Chapter 170, page 361.

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Article 3956 thereof reads:

"For each hospital, seminary, college, academy, school house, dormitory, hotel, lodging house, apartment house, rooming house, boarding house, house for the accomodation of transient guests, lodge hall, theatre, public place of amusement, or hall or place used for public gatherings, having a lot area in excess of five thousand square feet, there shall be provided one additional adequate fire escape for each five thousand square feet of such excess or fraction thereof if such fraction exceeds two thousand square feet."

Article 3971 of the same title provides that the State Fire Marshal or other officers named therein shall inspect all fire escapes, extensions and additions to fire escapes constructed under the provisions of such law.

Since churches and Sunday School buildings are not specifically mentioned in the act, your question is received into the proposition of whether or not churches and Sunday School Buildings constitute a ". . . hall or place used for public gatherings. . ." within the purview of Article 3956, supra.

It is a matter of common knowledge that the public generally is invited and encouraged to attend church and Sunday School irrespective of membership in the particular church.

A reading of the caption of the original act manifests a legislative desire for the erection and proper maintenance of fire escapes adequate to properly protect human life in all buildings of certain height and size. A reading of that portion thereof, now known as Article 3956, supra, leads us to the conclusion that they were especially concerned with the safety of persons assembled at public gatherings in buildings of the dimensions prescribed in Article 3956, supra.

It is our opinion that churches and Sunday School educational buildings are halls or places used for public

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gatherings within the purview of Article 3956, supra, and that you are charged by law with the enforcement of the provisions of Title 63, supra.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By *Lloyd Armstrong*
Lloyd Armstrong
Assistant

LA:AW

APPROVED OCT 25, 1940

Gerard B. Mann
ATTORNEY GENERAL OF TEXAS

